APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,739	09/18/2003	Detlef Fehrer	7395-000004	6060

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PHAM, THOMAS K

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/666,739	FEHRER ET AL.
	Examiner	Art Unit	
	Thomas K. Pham	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*18 September 2003*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

First Action on the Merits

1.   Claims 1-11 of U.S. Application 10/666,739 filed on 09/18/2003 are presented for

examination.

Quotations of U.S. Code Title 35

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Objections

6.   Claim 4 is objected to because of the following informalities: an dependent claim can not depend on itself, in this case, claim 4 can not depend on claim 4. Appropriate correction is required.

7.   Claim 6 is objected to because of the following informalities: remove typing error, "claim," at line 1 after the first comma (,). Appropriate correction is required.

8.   Claims 1 and 11 are objected to because of the following informalities: the reference characters (4; 17, 4) are not clear of how many and what display units the claims referred to. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9.   Claims 1, 5, 9, 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10.   Regarding claim 1, the phrase "i.e." (line 2) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

11.   Regarding claim 5, the phrase "e.g." (line 3) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

12.   Claim 9 recites the limitation "the business logic (20)" in line 2. There is insufficient antecedent basis for this limitation in the claim.

13.   Claim 10 recites the limitation "the business logic (20)" in line 2. There is insufficient

antecedent basis for this limitation in the claim.

14.   Claim 11 failed to point out what and/or how many display unit(s) is/are being used.

Claim Rejections - 35 USC § 102

15.   Claims 1-6 and 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,317,701 ("Pyotsia").

Regarding claim 1

Pyotsia teaches a system for the diagnosis and/or for the parameterization of devices forming

sensors, actuators or controls and connected to a bus system (see col. 1 lines 9-27), wherein

device parameters can be read out of the device and/or can be transmitted into the device and

device parameters read out and/or to be transmitted can be displayed visually by a display unit

using said system (see col. 2 lines 34-42 and col. 2 lines 51-52),

characterized in that the system includes a communication engine for the communication

(see col. 2 lines 46-50), i.e. for the reading out and/or for the transmission of device parameters,

of the system with the device as well as a visualization engine separate from the communication

engine for the visualization of the device parameters by the display unit (see col. 4 lines 36-45),

with the communication engine and the visualization engine being connected to one another via

device-independent interfaces for the exchange of data and the communication engine being

formed independently of the display unit used (see FIG. 1 and col. 3 lines 15-26, "the device-

independent interfaces communication engine 9 exchanging data with workstation 6").

Regarding claim 2

Pyotsia teaches characterized in that the system is integrated into a control unit in particular formed as a personal computer and the display unit is formed by a display of the control unit directly connected to the control unit (see FIG. 2, "workstation 6 includes both display unit and control unit").

Regarding claim 3

Pyotsia teaches characterized in that the system is integrated into a control unit in particular formed as a personal computer and the display unit is formed by a further computer having a display (display computer) which is connected to the control unit via a network connection (see col. 4 lines 47-55, "a separate display computer at a control room is connected via a network connection with workstation 6"). ·

Regarding claim 4

Pyotsia teaches characterized in that the system is integrated into the device and the display unit is formed by a computer having a display (display computer) which is connected to the device via a network connection (see FIG. 1 and col. 4 lines 39-42, "devices 14, 15 and 16 are connected via a network 9").

Regarding claim 5

Pyotsia teaches characterized in that the network connection is formed by a standardized network connection, in particular by an Ethernet connection or by a fieldbus (see col. 4 lines 6-15).

Regarding claim 6

Pyotsia teaches characterized in that the visualization engine includes a webserver (see col. 8 lines 11-19).

Regarding claim 8

Pyotsia teaches characterized in that interfaces for core functionality and/or for the device object and/or for device parameters and/or for project management are provided between the communication engine and the visualization engine (see col. 5 lines 23-35).

Regarding claim 9

Pyotsia teaches characterized in that the communication engine is made separately from the business logic of the device (see FIG. 1, "communication engine 9 appear as a separate unit, therefore, it could be either integrated together with device 10 or separately integrated").

Regarding claim 10

Pyotsia teaches characterized in that the communication engine is integrated into the business logic of the device (see FIG. 1, communication engine 9 appear as a separate unit, therefore, it could be either integrated together with device 10 or separately integrated).

Regarding claim 11

Pyotsia teaches characterized in that a substantially identical visualization takes place by the respectively used display unit by the visualization engine irrespective of the used display unit (see col. 4 lines 47-55, "display unit of the control unit 6 is showing substantially the same information as display unit in the control room").

Claim Rejections - 35 USC § 103

16.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.

6,317,701 ("Pyotsia") in view of U.S. Patent Application Publication No. 2003/0041135

("Keyes").

Regarding claim 7

Pyotsia teaches a system for managing field devices characterized in that the visualization engine

includes a module (see col. 5 lines 3-16), which can be loaded into the display computer via the

network connection for the visualization of the device parameters and can be carried out in a

client, in particular in an Internet browser, present on the display computer (see col. 7 lines 29-

35).

Pyotsia does not teach the module is, particulary, an applet.

However, Keys teaches a data processing system for use with a process control system

that communicate on an open network including the use of applets with the internet browser

software (see page 3 paragraph 18) for the purpose of viewing information in real time (see

example of paragraph 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to incorporate the internet browser with applets of Keys with the system of Pyotsia

because it would provide for the purpose of viewing information in real time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.** Responses may also be faxed to the **official fax number (571) 273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

October 3, 2005